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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

LAURA TAYLOR,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, a
business entity of unknown form;
MAYTAG CORPORATION, a business
entity of unknown form; MAYTAG
SALES, INC., a business entity of
unknown form; BEST BUY CO., INC., a
business entity of unknown form; BEST
BUY, a business entity of unknown
form; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 2:12-cv-09585-FMO-FFM

**SECOND AMENDED COMPLAINT
FOR DAMAGES**

1. FRAUDULENT
CONCEALMENT
2. NEGLIGENCE
3. STRICT PRODUCTS
LIABILITY
4. BREACH OF EXPRESS
WARRANTY
5. BREACH OF IMPLIED
WARRANTY

[DEMAND FOR JURY TRIAL]

Judge: Hon. Fernando M. Olguin
Courtroom: 22

COMES NOW the plaintiff LAURA TAYLOR for causes of action against the
defendants, and each of them, including DOES 1 through 100, inclusive, and each of
them, complains and alleges as follows:

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PARTIES

1
2 1. Plaintiff LAURA TAYLOR is, and at all times relevant hereto was, a
3 resident of the County of Los Angeles in the State of California.

4 2. Defendant WHIRLPOOL CORPORATION is a business entity of unknown
5 form which was and is authorized to do business within the State of California, and was
6 and is engaged in the business of deriving profit from designing, manufacturing,
7 warning, advertising, promoting, installing, servicing, and importing home appliances
8 for sale within the County of Los Angeles, California.

9 3. Defendant MAYTGAG CORPORATION is a business entity of unknown
10 form which was and is authorized to do business within the State of California, and was
11 and is engaged in the business of deriving profit from designing, manufacturing,
12 warning, advertising, promoting, installing, servicing, and importing home appliances
13 for sale within the County of Los Angeles, California.

14 4. Defendant MAYTGAG SALES, INC. is a business entity of unknown form
15 which was and is authorized to do business within the State of California, and was and is
16 engaged in the business of deriving profit from designing, manufacturing, warning,
17 advertising, promoting, installing, servicing, and importing home appliances for sale
18 within the County of Los Angeles, California.

19 5. Defendant BEST BUY CO., INC. is a business entity of unknown form
20 which was and is authorized to do business within the State of California, and was and is
21 engaged in the business of deriving profit from designing, manufacturing, warning,
22 advertising, promoting, installing, servicing, and importing home appliances for sale
23 within the County of Los Angeles, California.

24 6. Defendant BEST BUY is a business entity of unknown form which
25 was and is authorized to do business within the State of California, and was and is
26 engaged in the business of deriving profit from designing, manufacturing, warning,
27 advertising, promoting, installing, servicing, and importing home appliances for sale
28 within the County of Los Angeles, California.

1 7. Defendant Best Buy Stores, L.P. has responded to plaintiff's initial
2 Complaint stating that it was erroneously sued and served as Best Buy Co., Inc. and Best
3 Buy. All references to "BEST BUY" mean Best Buy Co., Inc., Best Buy, and Best Buy
4 Stores, L.P.

5 8. Defendant DOE 1 is a natural person residing and domiciled in the County
6 of Los Angeles, State of California who installed, serviced, and maintained the home
7 appliances which are the subject of this litigation.

8 9. The true names and/or capacities, whether individual, corporate, associate or
9 otherwise of the defendants DOES 1 through 100 (hereinafter "Does 1 through 100"),
10 inclusive, and each of them, are unknown to plaintiff who therefore sue said defendants
11 by such fictitious names. Plaintiff is informed and believes and thereon alleges that each
12 of these defendants fictitiously named herein as a DOE is legally responsible, negligent
13 or in some other actionable manner liable for the events and happenings hereinafter
14 referred to, and proximately and legally caused the injuries to plaintiff as hereinafter
15 alleged. Plaintiff will seek leave of the Court to amend this Complaint to insert the true
16 names and/or capacities of such fictitiously-named defendants when the same has been
17 ascertained.

18 10. Defendants WHIRLPOOL CORPORATION, MAYTAG CORPORATION,
19 MAYTAG SALES, INC., BEST BUY, DOES 1 through 100 are collectively referred to
20 herein as "Defendants."

21
22 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

23 11. Plaintiff Laura Taylor purchased a washing machine and dryer at a retail
24 store which is located at or near Pasadena, California. Said retail store was owned,
25 operated, managed, and controlled by Defendants Best Buy. Plaintiff hired Defendants
26 Best Buy and Does 1 through 100 to install, service, and maintain the washing machine
27 and dryer at her home which is located at or near Altadena, California.

28 12. Defendants Best Buy and Does 1 through 100 failed to competently and

1 correctly install, service, and maintain the home appliances as on the power source to the
2 dryer, the defendants, without limitation, failed to install a strain relief and routed the
3 neutral wire above the brass strap, as opposed to below the brass strap.

4 13. After the installation and service of the washing machine and dryer,
5 Defendants Best Buy and Does 1 through 100 released the home appliances to the
6 plaintiff with the representation that said machines had been properly inspected,
7 maintained, and repaired and therefore, considered safe to operate in all foreseeable
8 manners and circumstances.

9 14. On or about July 5, 2010, plaintiff touched the dryer and was electrically
10 shocked sustaining, without limitation, a loss of consciousness, parathesia, trigeminal
11 neuralgia, TMJ pain, hemihypoesthesia, cervical and lumbar radiculopathy, shoulder
12 pain, knee pain, and problems with memory, concentration, speech fluency, sleeping,
13 appetite, and libido.

14 15. Defendants Best Buy and Does 1 through 100 sold and/or delivered plaintiff
15 the household appliance containing defective parts that caused the shock and resulting
16 damages and the defects have been concealed from the plaintiff causing injuries and
17 damages as alleged in more detail herein.

18 16. The aforesaid events and resulting injuries and damages to Plaintiff were
19 caused by the defective household appliance, including its design, warning, manufacture,
20 marketing, service, inspection, installation, distribution, and sale. At no time prior to the
21 household appliance's shock event did any defendant provide any warning regarding the
22 dangerous propensities within the household appliance. At no time prior to the event on
23 July 5,2010, did the appliance include a fail-safe device to prevent such shock events,
24 although such a feasible alternate design was available and had been used by other
25 manufacturers.

26 17. Defendants misleadingly promised safety and trust, while at the same time
27 purposely concealing evidence of defects in its household appliances from the public,
28 and hiding its own knowledge of an alarming number of incidents of shock events,

1 electrocution events, deaths, and injuries.

2 18. In the decades prior to this incident, the Defendants continuously and
3 consistently promised safety for their appliances, and repeatedly promised a brand of
4 "trust" to prospective purchasers of their appliances. The Defendants continuously
5 denied any problems with their appliances, while during that same time period the
6 Defendants received reports of similar shock and electrocution events.

7 19. The defendant's household appliances were defective in design due to an
8 inadequate fault detection system.

9 20. Further, the absence of an electrocution override system by itself renders the
10 appliances defective and unreasonably dangerous, and the appliances do not perform as
11 safely as an ordinary consumer would expect. Despite the feasibility and availability of
12 an override system, the Defendants negligently and recklessly failed to an override
13 system in its appliances.

14 21. Plaintiff was, at all times relevant, ignorant of the existence of the defects
15 described above and, knowing this, the Defendants continued to broadly disseminate
16 statements about the safety and reliability of the subject appliance, while denying the
17 existence of the defects.

18 22. Does 1 through 100's fraudulent concealment scheme includes, but is not
19 limited to, intentionally covering up and refusing to publicly disclose critical internal
20 memoranda, design plans, studies, Notices of Action, Problem Detail Reports and other
21 reports of failure and injury. Through such acts of fraudulent concealment, Does 1
22 through 100 were able to actively conceal from the public for years the truth about the
23 existence of the dangerous shock and electrocution causing defects in their products,
24 thereby tolling the running of any applicable statute of limitations.

25 23. Any applicable statutes of limitation have been equitably tolled by Does 1
26 through 100's affirmative acts of fraud, fraudulent concealment, suppression and denial
27 of the true facts regarding the existence of the defective electrocuting parts of their
28 appliances.

1 24. Does 1 through 100 are estopped from relying on any statutes of limitation
2 because of their fraudulent concealment and misrepresentations of the true facts
3 concerning the dangerously defective product.

4 25. Plaintiff is informed and believes, and thereupon alleges, that at all times
5 relevant and mentioned herein, Defendants, and each of them, were at all times material
6 hereto acting within the authorized course, scope and purpose of said agency and
7 employment and that all of said acts were subsequently performed with the knowledge,
8 acquiescence, ratification and consent of the respective principals, and the benefits
9 thereof accepted by said principals.

10 26. Plaintiff is informed and believes and thereon alleges that at all times
11 mentioned herein, defendants, and each of them, including Does 1 through 100,
12 inclusive, were the agents, servants, employees and/or joint venturers of their co-
13 defendants, and were, as such, acting within the course, scope and authority of said
14 agency, employment and/or venture and that each and every defendant, as aforesaid,
15 when acting as a principal, was negligent in the selection and hiring of each and every
16 other defendant as an agent, employee and/or joint venturer.

17 27. Plaintiff is informed and believes, and thereupon alleges that all of the acts,
18 conduct, and nonfeasance herein carried out by each and every representative, employee
19 or agent of each and every corporate or business defendant, were authorized, ordered,
20 and directed by the respective defendant's corporate or business employers, officers,
21 directors and/or managing agents; that in addition thereto, said corporate or business
22 employers, officers, directors and/or managing agents had advance knowledge of,
23 authorized, and participated in the herein described acts, conduct and nonfeasance of
24 their representatives, employees, agents and each of them; and that in addition thereto,
25 upon the completion of the aforesaid acts, conduct and nonfeasance of the employees
26 and agents, the aforesaid corporate and business employers, officers, directors and/or
27 managing agents respectively ratified, accepted the benefits of, condoned and approved
28 of each and all of said acts, conduct or nonfeasance of their co-employees, employers,

1 and agents.

2 28. In addition, at all times herein relevant, each defendant, whether named
3 herein or designated as a DOE, was a principal, master, employer and joint venturer of
4 every other defendant, and every defendant was acting within the scope of said agency
5 authority, employment and joint venture.

6 29. As a direct and proximate result of defects in the appliance and the wrongful
7 conduct, acts, omissions, and misrepresentations of Defendants, Plaintiff suffered
8 significant harm, conscious pain and suffering, physical injury and bodily impairment
9 resulting permanent physical deficits, permanent impairment and other sequelae likely to
10 continue manifesting in the future.

11 30. As a further direct and proximate result of defects in the appliance and the
12 wrongful conduct, acts, omissions, and misrepresentations of Defendants, Plaintiff has
13 also incurred medical expenses and other economic harm including loss of earnings, and
14 lost earning capacity, and will continue to incur expenses and loss of earnings in the
15 future, as a direct and proximate result of the injuries alleged herein as a result of the use
16 of the appliance.

17 31. As a further direct and proximate result of defects in the appliance and the
18 wrongful conduct, acts, omissions, and misrepresentations of Defendants, Plaintiff has
19 required medical treatment, and will continue to require reasonable and necessary health
20 care, attention and services, and Plaintiff has incurred, and continues to incur, medical,
21 incidental, and service expenses pertaining to the injuries. As a further direct and
22 proximate result of the acts and omissions of defendants, plaintiff has suffered a loss of
23 earnings will be prevented from pursuing gainful employment and/or business ventures in
24 the future, and therefore he will suffer lost future earnings and income, and/or a
25 diminution of his future earning capacity. Said damages are in a sum the exact amount
26 of which is not yet known to plaintiff, but which amount will be proved at the time of
27 trial. As a further direct and proximate result of the above-described despicable acts by
28 defendants, plaintiff has been harmed in that he has suffered and will continue to suffer

1 mental anguish, and severe emotional and physical distress. Said damages are in a sum
2 in excess of the jurisdictional limit of this Court, the exact amount of which is not yet
3 known to plaintiff, but which amount will be proved at the time of trial.

4 32. The acts, conduct, and omissions of Does 1 through 100 as alleged
5 throughout this Complaint were fraudulent, wilful and malicious and were done with a
6 conscious disregard for the rights of the Plaintiff and users of the similar appliances and
7 for the primary purpose of increasing profits. Does 1 through 100's outrageous and
8 unconscionable conduct warrants an award of exemplary and punitive damages against
9 Does 1 through 100 in an amount appropriate to punish and make an example of Does 1
10 through 100. Prior to the manufacturing, sale and distribution of the appliance, Does 1
11 through 100 knew that said products were in a defective condition as previously
12 described herein and knew that those who purchased or used such appliances would
13 experience and did experience severe physical, mental, and emotional injuries. Further,
14 Does 1 through 100 through their officers, directors, managers, and agents, had
15 knowledge that the subject appliance presented a substantial and unreasonable risk of
16 harm to the public, and as such, were unreasonably subjected to risk of injury or death.
17 Despite such knowledge, Does 1 through 100 acting through their officers, directors and
18 managing agents for the purpose of enhancing Does 1 through 100's profits, knowingly
19 and deliberately failed to remedy the known defects in the product and failed to warn the
20 public, including Plaintiff, of the extreme risk of injury occasioned by said defects
21 inherent in the product. Does 1 through 100 and their individual agents, officers, and
22 directors intentionally proceeded with the manufacturing, sale, and distribution and
23 marketing of the subject appliance knowing persons would be exposed to serious danger
24 in order to advance Does 1 through 100's own pecuniary interest and monetary profits.
25 Does 1 through 100's conduct was fraudulent, despicable, and so contemptible that it
26 would be looked down upon and despised by ordinary decent people, and was carried on
27 by Does 1 through 100 with wilful and conscious disregard for the safety of Plaintiff,
28 entitling Plaintiff to exemplary damages.

FIRST CAUSE OF ACTION

Fraudulent Concealment

[Against Defendants DOES 1 – 100 Only]

33. Plaintiff incorporates by reference, as though fully set forth herein, each and every allegation and statement contained in the foregoing paragraphs.

34. As alleged herein, Does 1 through 100 knew that certain of the appliances it installed, serviced, maintained, and distributed, in the State of California contained defects causing users to become shocked or electrocuted and, at all times relevant, Does 1 through 100 concealed and suppressed this material fact from Plaintiff.

35. At all times relevant, Does 1 through 100 had exclusive and superior knowledge of the defects and concealed, suppressed and failed to disclose the true facts to Plaintiff who, at all times relevant, was ignorant of and was unaware of the existence and nature of the defects. Does 1 through 100 therefore had a duty to disclose the nature and existence of the defects before and after the appliance was purchased. Had defendants disclosed the whole truth about the existence and nature of the defects, Plaintiff would have not purchased the appliance/installation/service/maintenance.

36. As alleged herein, Does 1 through 100 made repeated statements to Plaintiff, touting the safety and reliability of the subject appliance as maintained, installed and/or serviced. These statements were untrue as the appliances were defective and dangerous.

37. At all times relevant, Does 1 through 100 intentionally concealed and suppressed the nature and extent of the defects with the intent to defraud Plaintiff.

38. Plaintiff was at all times relevant, unaware and ignorant of the nature and existence of the defects in the subject appliance.

39. At all times relevant, Does 1 through 100 purposefully and intentionally devised its scheme of concealment and suppression of the true facts concerning the existence and nature of the defects.

40. As a direct and proximate result of defects in the appliance and the wrongful

1 conduct, acts, omissions, and fraudulent misrepresentations of Does 1 through 100,
2 Plaintiff suffered the injuries and damages as alleged herein.

3
4 **SECOND CAUSE OF ACTION**

5 **Negligence**

6 [Against All Defendants and DOES 1 – 100]

7 41. Plaintiff incorporates by reference, as though fully set forth herein, each and
8 every allegation and statement contained in the foregoing paragraphs.

9 42. Plaintiff Laura Taylor purchased the subject appliance at the retail store
10 owned, operated and controlled by the defendants.

11 43. As stated above, the appliance was installed and serviced by the defendants
12 in the plaintiff's home.

13 44. Plaintiff is informed and believes, and thereupon alleges that the defendants
14 failed to competently and correctly perform the installation and servicing of the
15 appliance.

16 45. After the installation and servicing, the defendants released the appliance to
17 plaintiff with the representation that said appliance had been properly inspected, maintained,
18 installed, serviced, and repaired and therefore, considered safe to operate in all foreseeable
19 manners and circumstances.

20 46. On or about July 5, 2010, plaintiff was electrocuted when she touched the
21 appliance.

22 47. Plaintiff is informed and believes, and thereupon alleges that the defendants,
23 knowingly failed to competently and correctly perform the above-referenced installation,
24 service, repair, and maintenance.

25 48. Plaintiff is informed and believes, and thereupon alleges, that at all times
26 relevant hereto, defendants were engaged in the business of manufacturing, fabricating,
27 designing, assembling, distributing, buying, selling, leasing, placing into the stream of
28 commerce, labeling, inspecting, testing, analyzing, servicing, repairing, marketing,

1 promoting, warranting, analyzing, maintaining, controlling, installing, fitting, entrusting,
2 managing, advertising, supervising the use of, making representations about and/or warning
3 of defects in, or dangers associated with the use of, the subject household appliance and its
4 model lines, including all component parts, and had a duty to manufacture, fabricate, design,
5 assemble, distribute, buy, sell, install, maintain, inspect, test analyze, service, repair, market,
6 warrant, maintain, control, install, fit, entrust, manage, advertise, supervise the use of, make
7 representations about and/or warning of defects in, or dangers associated with the use of the
8 appliance and its model line, including all component parts, in a reasonable manner, which
9 said defendants knew, or in the exercise of reasonable care should have known, would be
10 used without inspection for defects and dangers.

11 49. Plaintiff is informed and believes, and thereupon alleges that the
12 electrocuting mechanism of the subject appliance and all other appliances in the model
13 line were and are substantially similar in design and manufacture.

14 50. Plaintiff is informed and believes, and thereupon alleges, that at all times
15 relevant hereto, defendants and each of them, including their employees, agents, directors,
16 officers, stockholders, partners and associates, had a legal duty to adequately and properly
17 manage and operate their business and their manufacturing, servicing, installation,
18 distribution, and retail operations; to adequately and properly train and supervise their
19 employees and agents, including their designers, installers, servicers, inspectors, quality
20 control agents and other manufacturing, testing, distribution and delivery personnel; and to
21 act without negligence, or other wrongful conduct.

22 51. Plaintiff is informed and believes, and thereupon alleges, that at all times
23 relevant hereto, defendants and each of them, breached their above-mentioned duties by
24 negligently, recklessly, and/or carelessly manufacturing, fabricating, designing,
25 assembling, distributing, buying, selling, inspecting, testing, analyzing, servicing,
26 repairing, marketing, warranting, maintaining, controlling, installing, fitting, entrusting,
27 managing, advertising, supervising the use of, making representations about and/or
28 warning of defects in, or dangers associated with the use of, the subject appliance,

1 including all component parts, thereby rendering the subject appliance unsafe and
2 dangerous for use by users, consumers, and bystanders, which proximately caused the
3 injuries and damages to plaintiff as alleged herein.

4 52. Said failures by the aforementioned defendants, including the defendant
5 designers, manufacturers, installers, servicers, distributors and retailers constituted a
6 breach of the aforementioned duties that in a foreseeable manner, legally and
7 proximately caused the serious and permanent injuries and other damage to plaintiff
8 herein asserted.

9 53. In addition, defendants and each of them, negligently and carelessly sold,
10 designed, manufactured, fabricated, distributed, retailed, wholesaled, recommended,
11 tested, modified, controlled, advertised, created, processed, prepared, constructed,
12 packaged, utilized, provided, warranted, repaired, maintained, marketed, bought, leased,
13 rented, vended, installed, handled, labeled, compounded, promoted, furnished, analyzed,
14 inspected, supplied, and place into the stream of commerce, the aforementioned subject
15 appliance including, but not limited to, its component parts, ingredients, packaging,
16 attachments, associated warnings, and constituents thereof, and lack of the same. Said
17 negligence included, but was not limited to, supplying inadequate and improper
18 on-product and other warnings and instructions regarding the defects and dangerous
19 propensities of the aforementioned subject appliance.

20 54. Plaintiff is informed and believes and thereupon alleges that defendants and
21 each of them, as asserted above, negligently and carelessly failed to inform purchasers
22 and users of said subject appliance and others, including plaintiff that the
23 aforementioned subject appliance was defective and unsafe, and prone to electrical shock
24 or electrocution of users, due to the aforementioned defects.

25 55. Plaintiff is informed and believes and thereupon alleges that defendants and
26 each of them, in conducting their business, and in selling, designing, manufacturing,
27 fabricating, distributing, retailing, wholesaling, recommending, testing, modifying,
28 controlling, advertising, creating, processing, preparing, constructing, packaging,

1 utilizing, providing, warranting, repairing, maintaining, marketing, leasing, renting,
2 vending, installing, handling, labeling, promoting, advertising, furnishing, analyzing,
3 inspecting, supplying, and placing into the stream of commerce the aforementioned
4 subject appliance, either lacked or failed to use the knowledge and skill ordinarily
5 possessed by similarly-situated persons, companies, designers, manufacturers, testers,
6 assemblers, inspectors, installers, servicers, distributors, retailers and suppliers of such
7 products.

8 56. To the detriment of the health and safety of its consumers, defendants and
9 each of them, ignored complaints and notices about the dangerously defective appliance.

10 57. As herein asserted, plaintiff touched the defective appliance when it
11 electrically shocked her and thereby legally and proximately caused her injuries and
12 damages. Due to said defects in the subject appliance, plaintiff suffered injuries as set
13 forth above.

14 58. The defective and dangerous design, manufacture and performance of the
15 subject appliance and the fact that it was unsafe for its intended use and purpose when
16 employed in a reasonable and foreseeable manner by plaintiff was known to defendants
17 and each of them, or in the exercise of reasonable care should have been known and
18 discovered by the defendants, and each of them. Further, the defective and dangerous
19 condition of the subject appliance were not made known to plaintiff by defendants and
20 each of them.

21 59. Plaintiff is informed and believes and thereupon alleges that defendants and
22 each of them, knew of the risk of serious injury or death from said subject appliance due
23 to the defectively designed and manufactured nature of the subject appliance and said
24 defendants consciously decided to design, manufacture, distribute and/or sell said subject
25 appliance in its defective state without adequate warning or proper instructions to owners
26 and users of said appliance in order to save money, increase profits and prevent loss of
27 sales. These despicable acts by said defendants were done to deliberately prevent the
28 general public from becoming aware that the appliance was and continues to be unsafe,

1 dangerous and defective.

2 60. Further, plaintiff is informed and believes and thereupon asserts that
3 defendants and each of them, knew or in the exercise of reasonable care should have
4 known of the many other earlier deaths, injuries, consumer complaints and lawsuits
5 involving substantially similar shock or electrocution caused by defects in the subject
6 appliance model line, including earlier versions and similar products, due to the
7 inadequate and improper warnings and instructions, and said design and manufacturing
8 defects, and failure to warn of the defects, in conscious disregard to the rights and safety
9 of others, including plaintiff herein, said defendants chose not to design, redesign or
10 repair the subject appliance in a proper and defect free manner, properly and fully recall
11 the product in a timely manner, and/or adequately warn of the defects and dangers.

12 61. In addition, plaintiff is informed and believes and thereupon alleges that the
13 aforementioned acts, omissions, negligence, malfeasance, nonfeasance, despicable
14 conduct, and conscious disregard by defendants and each of them, were done by
15 employees of defendants, and each of them with the advance knowledge, authorization,
16 approval, participation or ratification of the officers, directors and/or managing agents of
17 defendants, and each of them.

18 62. Plaintiff is informed and believes and thereupon alleges that the
19 aforementioned acts, omissions and conduct malfeasance were done by the defendants
20 and each of them.

21 63. Plaintiff is informed and believes and thereupon alleges that information in
22 the possession of defendants and each of them, regarding the defective and dangerous
23 condition of the defective appliance moved upward through the structure of management
24 to a point where corporate policy was formulated.

25 64. Plaintiff is informed and believes and thereupon alleges that corporate
26 policymakers and other persons who exercised discretionary authority and were
27 authorized to make corporate policy on behalf of defendants and each of them, were in
28 fact aware of risks to the safety of others posed by the defective and dangerous condition

1 of the subject appliance, including but not limited to the defective shock or electrocution
2 causing mechanism, and chose not to take any corrective action.

3 65. As a direct, legal and proximate result of the negligence, and carelessness
4 on the part of the defendants, the appliance electrically shocked the plaintiff and caused
5 injuries and losses to plaintiff.

6 66. The aforementioned negligence and carelessness of the defendants directly,
7 legally and proximately caused injuries that resulted in the injuries and losses to plaintiff
8 as herein described.

9 67. As a further direct and proximate result of the above-described acts by
10 defendants, plaintiff has been harmed in that she has suffered and will continue to suffer
11 mental anguish, and severe emotional and physical distress. Said damages are in a sum
12 in excess of the jurisdictional limit of this Court, the exact amount of which is not yet
13 known to plaintiff, but which amount will be proved at the time of trial.

14 68. As a further direct and proximate result of the acts and omissions of
15 defendants, plaintiff has sustained severe and permanent injuries to her health, and
16 severe shock to her nervous system, and was caused to suffer severe physical and mental
17 pain. Said damages are in a sum the exact amount of which is not yet known to plaintiff,
18 but which amount will be proved at the time of trial.

19 69. As a direct, proximate, and legal result of the acts and omissions by
20 defendants, plaintiff suffered and will continue to suffer damages in a sum in excess of
21 the jurisdictional limit of this Court, the exact amount of which is not yet known to
22 plaintiff, but which amount will be proved at the time of trial.

23 70. As a further direct and proximate result of acts and omissions of defendants,
24 plaintiff was required to and did employ physicians, and other medical personnel to treat
25 and care for her, and incurred additional medical expenses for hospital bills and other
26 incidental medical expenses. Plaintiff is informed and believe, and thereupon alleges,
27 that she will be required to incur additional medical and sundry expenses in the future.
28 Said damages are in a sum the exact amount of which is not yet known to plaintiff, but

1 which amount will be proved at the time of trial.

2 71. As a further direct and proximate result of the acts and omissions of
3 defendants, plaintiff has suffered a loss of earnings and will be prevented from pursuing
4 gainful employment and/or business ventures in the future, and therefore she will suffer
5 lost future earnings and income, and/or a diminution of his future earning capacity. Said
6 damages are in a sum the exact amount of which is not yet known to plaintiff, but which
7 amount will be proved at the time of trial.

8 9 **THIRD CAUSE OF ACTION**

10 **Strict Products Liability**

11 [Against All Defendants and DOES 1 – 100]

12 72. Plaintiff incorporates by reference, as though fully set forth herein, each and
13 every allegation and statement contained in the foregoing paragraphs.

14 73. Plaintiff is informed and believes, and thereon alleges, that the
15 aforementioned subject appliance and its component parts and constituents thereof, or
16 lack of same, were defectively designed, manufactured, fabricated, distributed, sold,
17 retailed, wholesaled, recommended, tested, modified, controlled, advertised, created,
18 processed, prepared, constructed, packaged, utilized, provided, warranted, repaired,
19 maintained, marketed, leased, rented, vended, installed, handled, labeled, promoted,
20 furnished, analyzed, inspected, supplied, warned, and placed into the stream of
21 commerce by defendants.

22 74. Defendants designed, manufactured, distributed and sold the subject
23 appliance and placed the subject appliance into the stream of commerce knowing that the
24 subject appliance would be used in its intended manner.

25 75. At the time of the aforesaid events, the subject appliance which was being
26 used in a reasonably foreseeable manner, failed to perform as safely as an ordinary
27 consumer would have expected, failed to conform with its manufacturing specifications,
28 failed to contain adequate warnings, and its design was a substantial factor in causing

1 injuries.

2 76. As a direct and proximate result of defects in the subject appliance and the
3 wrongful conduct, acts, omissions, and misrepresentations of defendants, Plaintiff
4 suffered the injuries and damages as alleged herein.

5 77. Defendants manufactured, fabricated, designed, assembled, marketed,
6 warranted, controlled, entrusted, managed, maintained, advertised, installed, serviced,
7 inspected, maintained, repaired, and/or otherwise placed in the stream of commerce the
8 subject appliance and model line, including all component parts thereof, which contained
9 design and/or manufacturing defects and/or improper, defective, and dangerous and/or
10 dangerously constructed that were capable of causing, and did cause, personal injuries to
11 the users, consumers, and bystanders thereof, while being used in a reasonably
12 foreseeable manner, thereby rendering the subject appliance and model line unsafe and
13 dangerous for use by such users, consumers, and bystanders.

14 78. Plaintiff is informed and believes, and thereupon alleges, that at all times
15 relevant hereto, the subject appliance and model line, including all or some component
16 parts was defective when placed in the stream of commerce by defendants and was of
17 such a nature that the defects would not be discovered in the normal course of inspection
18 and/or use by users or consumers of the subject appliance and model line.

19 79. In addition, defendants negligently and carelessly sold, designed,
20 manufactured, fabricated, distributed, retailed, installed, serviced, wholesaled,
21 recommended, tested, modified, controlled, advertised, created, processed, prepared,
22 constructed, packaged, utilized, provided, warranted, repaired, maintained, marketed,
23 bought, leased, rented, vended, installed, handled, labeled, compounded, promoted,
24 furnished, analyzed, inspected, supplied, and place into the stream of commerce, the
25 aforementioned subject appliance including, but not limited to, its component parts,
26 ingredients, packaging, attachments, associated warnings, and constituents thereof, and
27 lack of the same. Said negligence included, but was not limited to, supplying inadequate
28 and improper on-product and other warnings and instructions regarding the defects and

1 dangerous propensities of the aforementioned appliance.

2 80. Plaintiff is informed and believes and thereupon alleges that defendants and
3 each of them, as asserted above, negligently and carelessly failed to inform purchasers
4 and users of said appliance and others, including plaintiff that the aforementioned
5 appliance was defective and unsafe, and prone to electrocution due to the
6 aforementioned defects.

7 81. Plaintiff is informed and believes and thereupon alleges that defendants, in
8 conducting their business, and in selling, installing, servicing, designing, manufacturing,
9 fabricating, distributing, retailing, wholesaling, recommending, testing, modifying,
10 controlling, advertising, creating, processing, preparing, constructing, packaging,
11 utilizing, providing, warranting, repairing, maintaining, marketing, leasing, renting,
12 vending, installing, handling, labeling, promoting, advertising, furnishing, analyzing,
13 inspecting, supplying, and placing into the stream of commerce the aforementioned
14 appliance either lacked or failed to use the knowledge and skill ordinarily possessed by
15 similarly-situated persons, companies, designers, manufacturers, testers, assemblers,
16 installers, servicers, inspectors, distributors, retailers and suppliers of such products.

17 82. To the detriment of the health and safety of its consumers, defendants
18 consciously disregarded and ignored complaints and notices about the dangerously
19 defective appliance.

20 83. As herein asserted, plaintiff was electrically shocked when she touched the
21 subject appliance.

22 84. Due to said defects in the appliance, plaintiff suffered injuries and losses
23 when the appliance failed to function adequately and safely.

24 85. The defective and dangerous design, manufacture and performance of the
25 appliance and the fact that it was unsafe for its intended use and purpose when
26 employed in a reasonable and foreseeable manner by plaintiff was known to defendants
27 or in the exercise of reasonable care should have been known and discovered by the
28 defendants, and each of them. Further, the defective and dangerous condition of the

1 subject appliance were not made known to plaintiff by defendants.

2 86. Plaintiff is informed and believes and thereupon alleges that defendants
3 knew of the danger of serious injury or death from said appliance due to the defectively
4 designed and manufactured nature of the appliance and said defendants consciously
5 decided to design, manufacture, distribute and/or sell said appliance in its defective state
6 without adequate warning or proper instructions to owners and users of said appliance.

7 87. Further, plaintiff is informed and believes and thereupon asserts that
8 defendants knew or in the exercise of reasonable care should have known of the many
9 other earlier deaths, injuries, consumer complaints and lawsuits involving substantially
10 similar shock or electrocution caused by the appliance and its model line, including
11 earlier versions and similar products, due to the inadequate and improper warnings and
12 instructions, and said design and manufacturing defects, but in conscious disregard of the
13 rights and safety of others, including plaintiff herein, said defendants nevertheless chose
14 not to design, redesign or repair the appliance in a proper and defect free manner,
15 properly and fully recall the product in a timely manner, and/or adequately warn of the
16 defects and dangers.

17 88. In addition, plaintiff is informed and believes and thereupon alleges that the
18 aforementioned acts, omissions, negligence, malfeasance, nonfeasance, despicable
19 conduct, and conscious disregard by defendants were done by employees of defendants,
20 and each of them with the advance knowledge, authorization, approval, participation or
21 ratification of the officers, directors and/or managing agents of defendants, and each of
22 them.

23 89. Plaintiff is informed and believes and thereupon alleges that information in
24 the possession of defendants inclusive and each of them, regarding the defective and
25 dangerous condition of the appliance, including but not limited to the electrical shock
26 and electrocution risk moved upward through the structure of management to a point
27 where corporate policy was formulated.

28 90. Plaintiff is informed and believes and thereupon alleges that corporate

1 policymakers and other persons who exercised discretionary authority and were
2 authorized to make corporate policy on behalf of defendants inclusive and each of them,
3 were in fact aware of risks to the safety of others posed by the defective and dangerous
4 condition of the appliance and chose not to take any corrective action.

5 91. As a direct, legal and proximate result of the conduct on the part of the
6 defendants described above, the appliance caused plaintiff to be electrically shocked.

7 92. The aforementioned conduct of the defendants directly, legally and
8 proximately caused injuries that resulted in the injuries and losses to plaintiff as herein
9 described.

10 93. As a further direct and proximate result of the above-described acts by
11 defendants, plaintiff has been harmed in that she has suffered and will continue to suffer
12 mental anguish, and severe emotional and physical distress. Said damages are in a sum
13 in excess of the jurisdictional limit of this Court, the exact amount of which is not yet
14 known to plaintiff, but which amount will be proved at the time of trial.

15 94. As a further direct and proximate result of the acts and omissions of
16 defendants, plaintiff has sustained severe and permanent injuries to her health, and
17 severe shock to her nervous system, and was caused to suffer severe physical and mental
18 pain. Said damages are in a sum the exact amount of which is not yet known to plaintiff,
19 but which amount will be proved at the time of trial.

20 95. As a direct, legal and proximate result of the conduct on the part of
21 defendants, as alleged herein, plaintiff suffered and will continue to suffer damages in a
22 sum in excess of the jurisdictional limit of this Court, the exact amount of which is not
23 yet known to plaintiff, but which amount will be proved at the time of trial.

24 96. As a further direct and proximate result of the acts and omissions of
25 defendants, plaintiff has lost earnings and will be prevented from pursuing gainful
26 employment and/or business ventures in the future, and therefore she will suffer lost
27 future earnings and income, and/or a diminution of his future earning capacity. Said
28 damages are in a sum the exact amount of which is not yet known to plaintiff, but which

1 amount will be proved at the time of trial.

2 97. As a further direct and proximate result of acts and omissions of defendants,
3 plaintiff was required to and did employ physicians, and other medical personnel to treat
4 and care for her, and incurred additional medical expenses for hospital bills and other
5 incidental medical expenses.

6 98. Plaintiff is informed and believes, and thereupon alleges, that she will be
7 required to incur additional medical and sundry expenses in the future. Said damages are
8 in a sum the exact amount of which is not yet known to plaintiff, but which amount will
9 be proved at the time of trial.

10 99. As a further direct and proximate result of the acts and omissions of
11 defendants, plaintiff will be prevented from pursuing gainful employment and/or business
12 ventures in the future, and therefore will suffer lost future earnings and income, and/or a
13 diminution of her future earning capacity. Said damages are in a sum the exact amount
14 of which is not yet known to plaintiff, but which amount will be proved at the time of
15 trial.

16
17 **FOURTH CAUSE OF ACTION**

18 **Breach of Express Warranty**

19 [Against All Defendants and DOES 1 – 100]

20 100. Plaintiff incorporates by reference, as though fully set forth herein, each and
21 every allegation and statement contained in the foregoing paragraphs.

22 101. At all times herein mentioned, the defendants expressly warranted to
23 plaintiff and the general consuming public, through print, media and television
24 advertising and other express means, that the subject appliance and model line was of
25 merchantable quality and was safe for its ordinary, intended, foreseeable and expected
26 use, and that such use would not cause injuries of the nature herein-described to plaintiff.
27 In addition, said defendants, and each of them, expressly warranted that there was no
28 substantial risk of electrical shock or other inherent failures or defects in said subject

1 appliance and/or model line.

2 102. Plaintiff is informed and believe, and thereupon allege, that at all times
3 relevant hereto, defendants expressly warranted to the consuming public that the subject
4 appliance and model line, including all component parts, was of merchantable quality, fit
5 for the purpose for which it was to be used, and free from design, manufacturing and/or
6 modification defects.

7 103. Plaintiff is informed and believe, and thereupon allege, that at all times
8 relevant hereto, the subject appliance was not of merchantable quality, fit for the purpose
9 for which it was to be used, and/or free from design, manufacturing and/or modification
10 defects.

11 104. Plaintiff is informed and believes, and thereupon alleges, that at all times
12 relevant hereto the subject appliance and model line was defectively designed and/or
13 manufactured and imminently dangerous to users, consumers, and bystanders in that it
14 was capable of causing, and, in fact, did cause, personal injuries to users, consumers and
15 bystanders, while being used in a reasonably foreseeable manner, thereby rendering the
16 subject appliance and model line unsafe and dangerous for use by users, consumers or
17 bystanders.

18 105. Plaintiff is informed and believes that the subject appliance was not of
19 merchantable quality and was not as warranted by said defendants, thus constituting a
20 breach of said warranty; and as a direct, legal and proximate result of plaintiff's reliance
21 on said warranties and the breach of said warranties, plaintiff sustained the
22 herein-described losses and damages.

23 106. Plaintiff is informed and believes and thereupon asserts that said
24 defendants, and each of them, received timely notice of said breach of warranties.

25 107. Plaintiff is informed and believes and thereupon asserts that said
26 defendants, and each of them, knew or, in the exercise of reasonable care, should have
27 known of the dangerous, defective, unfit and unsafe condition of the aforementioned
28 subject appliance and the fact that it was not safe or suitable for its intended use, nor of

1 merchantable, safe or operational quality.

2 108. As a direct, legal and proximate result of the breaches of warranties on the
3 part of the defendants, the subject appliance severely electrically shocked the plaintiff.

4 109. The aforementioned breaches of warranties of the defendants, directly,
5 legally and proximately caused injuries that resulted in severe and permanent injuries to
6 plaintiff, and severe shock to her nervous system, and was caused to suffer extreme
7 physical and mental pain.

8 110. As a direct, legal and proximate result of the breaches of warranties by
9 defendants, and the defective nature of the subject appliance , plaintiff suffered and
10 sustained injuries, harm and losses, including loss and damage to valuable tangible items
11 of personal property and other compensable damages.

12 111. Due to said defects in the subject appliance, plaintiff suffered injuries and
13 losses when the subject appliance failed to function adequately, safely, or as designed.

14 112. The defective and dangerous design, manufacture, service, maintenance,
15 installation, and performance of the subject appliance and the fact that it was unsafe for
16 its intended use and purpose when employed in a reasonable and foreseeable manner by
17 plaintiff was known to defendants, or in the exercise of reasonable care should have been
18 known and discovered by the defendants, and each of them. Further, the defective and
19 dangerous condition of the subject appliance were not made known to plaintiff by
20 defendants.

21 113. Plaintiff is informed and believes and thereupon alleges that defendants
22 knew of the danger of serious injury or death from said subject appliance due to the
23 defectively designed and manufactured nature of the subject appliance and said
24 defendants decided to design, manufacture, install, service, distribute and/or sell said
25 subject appliance in its defective state without adequate warning or proper instructions to
26 owners and users of said subject appliance.

27 114. Further, plaintiff is informed and believes and thereupon asserts that
28 defendants, knew or in the exercise of reasonable care should have known of the many

1 other earlier deaths, injuries, consumer complaints and lawsuits involving substantially
2 similar electrical shock or electrocution caused by the subject appliance and its model
3 line, including earlier versions and similar products, due to the inadequate and improper
4 warnings and instructions, and said design and manufacturing defects, said defendants
5 nevertheless chose not to design, redesign or repair the subject appliance in a proper and
6 defect free manner, properly and fully recall the product in a timely manner, and/or
7 adequately warn of the defects and dangers.

8 115. In addition, plaintiff is informed and believes and thereupon alleges that the
9 aforementioned acts, omissions, and negligence by defendants were done by employees
10 of defendants, and each of them with the advance knowledge, authorization, approval,
11 participation or ratification of the officers, directors and/or managing agents of
12 defendants, and each of them.

13 116. Plaintiff is informed and believes and thereupon alleges that the
14 aforementioned acts and omissions were done by the defendants.

15 117. Plaintiff is informed and believes and thereupon alleges that information in
16 the possession of defendants regarding the defective and dangerous condition of the
17 subject appliance model line moved upward through the structure of management to a
18 point where corporate policy was formulated.

19 118. Plaintiff is informed and believes and thereupon alleges that corporate
20 policymakers and other persons who exercised discretionary authority and were
21 authorized to make corporate policy on behalf of defendants and each of them, were in
22 fact aware of risks to the safety of others posed by the defective and dangerous condition
23 of the subject appliance.

24 119. Plaintiff is informed and believes and thereupon alleges that the entire
25 corporate organization of the defendants acted negligently, in that persons in the
26 management structure of said defendants, wherein corporate policy was formulated
27 decided to proceed with the design, production, manufacture and marketing of the
28 subject appliance model line despite knowledge of the defective and dangerous condition

1 of the subject appliance and the subject appliance.

2 120. Plaintiff is informed and believes and thereupon alleges that authorized
3 persons within the corporate hierarchy of the defendants acted negligently in that
4 corporate policymakers and other persons who exercised discretionary authority and
5 were authorized to make corporate policy decisions on behalf of said defendants did in
6 fact compromise consumer safety by reducing costs and/or expediting production of the
7 subject appliance.

8 121. As a further direct and proximate result of the above-described acts by
9 defendant,s plaintiff has been harmed in that she has suffered and will continue to suffer
10 mental anguish, and severe emotional and physical distress. Said damages are in a sum
11 in excess of the jurisdictional limit of this Court, the exact amount of which is not yet
12 known to plaintiff, but which amount will be proved at the time of trial.

13 122. As a further direct and proximate result of the acts and omissions of
14 defendants, plaintiff has sustained severe and permanent injuries to her health, and
15 severe shock to her nervous system, and was caused to suffer severe physical and mental
16 pain. Said damages are in a sum the exact amount of which is not yet known to plaintiff,
17 but which amount will be proved at the time of trial.

18 123. As a direct, proximate, and legal result of the acts and omissions by
19 defendants, plaintiff suffered and will continue to suffer damages in a sum in excess of
20 the jurisdictional limit of this Court, the exact amount of which is not yet known to
21 plaintiff, but which amount will be proved at the time of trial.

22 124. As a further direct and proximate result of the acts and omissions of
23 defendants, plaintiff has lost earnings and will be prevented from pursuing gainful
24 employment and/or business ventures in the future, and therefore she will suffer lost
25 future earnings and income, and/or a diminution of her future earning capacity. Said
26 damages are in a sum the exact amount of which is not yet known to plaintiff, but which
27 amount will be proved at the time of trial.

28 125. As a further direct and proximate result of acts and omissions of defendants,

1 plaintiff was required to and did employ physicians, and other medical personnel to treat
2 and care for her, and incurred additional medical expenses for hospital bills and other
3 incidental medical expenses.

4 126. Plaintiff is informed and believes, and thereupon alleges, that she will be
5 required to incur additional medical and sundry expenses in the future. Said damages are
6 in a sum the exact amount of which is not yet known to plaintiff, but which amount will
7 be proved at the time of trial.

8 127. As a further direct and proximate result of the acts and omissions of
9 defendants, plaintiff will be prevented from pursuing gainful employment and/or business
10 ventures in the future, and therefore will suffer lost future earnings and income, and/or a
11 diminution of his future earning capacity. Said damages are in a sum the exact amount
12 of which is not yet known to plaintiff, but which amount will be proved at the time of
13 trial.

14 **FIFTH CAUSE OF ACTION**

15 **Breach of Implied Warranty**

16 [Against All Defendants and DOES 1 – 100]

17 128. Plaintiff incorporates by reference, as though fully set forth herein, each and
18 every allegation and statement contained in the foregoing paragraphs.

19 129. At all times herein mentioned, the defendants, impliedly warranted to
20 plaintiff and the general consuming public, through print, media and television
21 advertising and other express means, that the subject appliance and model line was of
22 merchantable quality and was safe for its ordinary, intended, foreseeable and expected
23 use, and that such use would not cause injuries of the nature herein-described to plaintiff.
24 In addition, said defendants, and each of them, impliedly warranted that there was no
25 substantial risk of electric shock or electrocution in the subject appliance and/or model
26 line.
27

28 130. Plaintiff is informed and believe, and thereupon allege, that at all times

1 relevant hereto, defendants, inclusive and each of them, impliedly warranted to the
2 consuming public that the subject appliance and model line, including all component
3 parts, was of merchantable quality, fit for the purpose for which it was to be used, and
4 free from design, manufacturing and/or modification defects.

5 131. Plaintiff is informed and believe, and thereupon allege, that at all times
6 relevant hereto, the subject appliance was not of merchantable quality, fit for the purpose
7 for which it was to be used, and/or free from design, manufacturing and/or modification
8 defects.

9 132. Plaintiff is informed and believe, and thereupon allege, that at all times
10 relevant hereto, the subject appliance was not of merchantable quality, fit for the purpose
11 for which it was to be used, and/or free from reconditioning and restoring defects.

12 133. Plaintiff is informed and believes, and thereupon alleges, that at all times
13 relevant hereto the subject appliance and model line was defectively designed and/or
14 manufactured and imminently dangerous to users, consumers, and bystanders in that it
15 was capable of causing, and, in fact, did cause, personal injuries to users, consumers and
16 bystanders, while being used in a reasonably foreseeable manner, thereby rendering the
17 subject appliance and model line unsafe and dangerous for use by users, consumers or
18 bystanders.

19 134. Said subject appliance was not of merchantable quality and was not as
20 warranted by said defendants, thus constituting a breach of said warranty; and as a direct,
21 legal and proximate result of plaintiff's reliance on said warranties and the breach of said
22 warranties, plaintiff sustained the herein-described losses and damages.

23 135. Plaintiff is informed and believes and thereupon asserts that said
24 defendants, and each of them, received timely notice of said breach of warranties.

25 136. Plaintiff is informed and believes and thereupon asserts that said
26 defendants, and each of them, knew or, in the exercise of reasonable care, should have
27 known of the dangerous, defective, unfit and unsafe condition of the aforementioned
28 subject appliance and the fact that it was not safe or suitable for its intended use, nor of

1 merchantable, safe or operational quality.

2 137. As a direct, legal and proximate result of the breaches of warranties on the
3 part of the defendants, the subject appliance severely electrically shocked the plaintiff.

4 138. The aforementioned breaches of warranties of the defendants directly,
5 legally and proximately caused injuries and losses to plaintiff as herein described.

6 139. As a direct, legal and proximate result of the breaches of warranties of all of
7 the defendants, and the defective nature of the subject appliance, plaintiff suffered and
8 sustained injuries, harm and losses, including loss and damage to valuable tangible items
9 of personal property and other compensable damages within the jurisdiction of the Court.

10 140. Due to said defects in the subject appliance, plaintiff suffered injuries and
11 losses when the subject appliance failed to function adequately, safely, or as designed.

12 141. As a direct, legal and proximate result of the negligence, breach of implied
13 warranty, and carelessness on the part of the defendants, the subject appliance severely
14 electrically shocked plaintiff.

15 142. The defective and dangerous design, manufacture and performance of the
16 subject appliance and the fact that it was unsafe for its intended use and purpose when
17 employed in a reasonable and foreseeable manner by plaintiff was known to defendants,
18 or in the exercise of reasonable care should have been known and discovered by the
19 defendants, and each of them. Further, the defective and dangerous condition of the
20 subject appliance were not made known to plaintiff by defendants.

21 143. Plaintiff is informed and believes and thereupon alleges that defendants
22 knew of the danger of serious injury or death from said subject appliance due to the
23 defectively designed and manufactured nature of the subject appliance and said
24 defendants consciously decided to design, manufacture, distribute and/or sell said subject
25 appliance in its defective state without adequate warning or proper instructions to owners
26 and users of said appliance.

27 144. Further, plaintiff is informed and believes and thereupon asserts that
28 defendants knew or in the exercise of reasonable care should have known of the many

1 other earlier deaths, injuries, consumer complaints and lawsuits involving substantially
2 similar electrical shocks caused by the subject appliance and its model line, including
3 earlier versions and similar products, due to the inadequate and improper warnings and
4 instructions, and said design and manufacturing defects, and failure to warn regarding
5 electrocution and said other defects, said defendants nevertheless chose not to design,
6 redesign or repair the subject appliance in a proper and defect free manner, properly and
7 fully recall the product in a timely manner, and/or adequately warn of the defects and
8 dangers.

9 145. In addition, plaintiff is informed and believes and thereupon alleges that the
10 aforementioned acts, omissions, and negligence by defendants, were done by employees
11 of defendants, and each of them with the advance knowledge, authorization, approval,
12 participation or ratification of the officers, directors and/or managing agents of
13 defendants, and each of them.

14 146. Plaintiff is informed and believes and thereupon alleges that information in
15 the possession of defendants inclusive and each of them, regarding the defective and
16 dangerous condition of the subject appliance moved upward through the structure of
17 management to a point where corporate policy was formulated.

18 147. Plaintiff is informed and believes and thereupon alleges that corporate
19 policymakers and other persons who exercised discretionary authority and were
20 authorized to make corporate policy on behalf of defendants, were in fact aware of risks
21 to the safety of others posed by the defective and dangerous condition of the subject
22 appliance and chose not to take any corrective action.

23 148. Plaintiff is informed and believes and thereupon alleges that authorized
24 persons within the corporate hierarchy of the defendants acted negligently, in that
25 corporate policymakers and other persons who exercised discretionary authority and
26 were authorized to make corporate policy decisions on behalf of said defendants did in
27 fact compromise consumer safety by reducing costs and/or expediting production of the
28 subject appliance.

1 149. As a further direct and proximate result of the above-described acts by
2 defendants, plaintiff has been harmed in that she has suffered and will continue to suffer
3 mental anguish, and severe emotional and physical distress. Said damages are in a sum
4 in excess of the jurisdictional limit of this Court, the exact amount of which is not yet
5 known to plaintiff, but which amount will be proven at the time of trial.

6 150. As a further direct and proximate result of the acts and omissions of
7 defendants, plaintiff has sustained severe and permanent injuries to her health, and
8 severe shock to her nervous system, and was caused to suffer severe physical and mental
9 pain. Said damages are in a sum the exact amount of which is not yet known to plaintiff,
10 but which amount will be proved at the time of trial.

11 151. As a direct, proximate, and legal result of the acts and omissions by
12 defendants, plaintiff suffered and will continue to suffer damages in a sum in excess of
13 the jurisdictional limit of this Court, the exact amount of which is not yet known to
14 plaintiff, but which amount will be proved at the time of trial.

15 152. As a further direct and proximate result of the acts and omissions of
16 defendants, plaintiff will be prevented from pursuing gainful employment and/or business
17 ventures in the future, and therefore she will suffer lost future earnings and income,
18 and/or a diminution of her future earning capacity. Said damages are in a sum the exact
19 amount of which is not yet known to plaintiff, but which amount will be proved at the
20 time of trial.

21 153. As a further direct and proximate result of acts and omissions of defendants,
22 plaintiff was required to and did employ physicians, and other medical personnel to treat
23 and care for her, and incurred additional medical expenses for hospital bills and other
24 incidental medical expenses.

25 154. Plaintiff is informed and believes, and thereupon alleges, that he will be
26 required to incur additional medical and sundry expenses in the future. Said damages are
27 in a sum the exact amount of which is not yet known to plaintiff, but which amount will
28 be proved at the time of trial.

155. As a further direct and proximate result of the acts and omissions of defendants, plaintiff will be prevented from pursuing gainful employment and/or business ventures in the future, and therefore will suffer lost future earnings and income, and/or a diminution of her future earning capacity. Said damages are in a sum the exact amount of which is not yet known to plaintiff, but which amount will be proved at the time of trial.

WHEREFORE, plaintiff LAURA TAYLOR prays for judgment against the defendants as follows:

Against all defendants, and each of them:

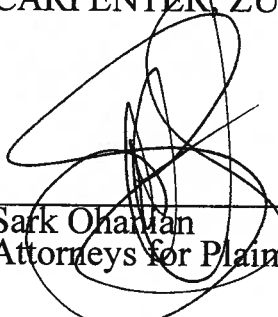
1. For general damages incurred and suffered by plaintiff, including loss and damage to valuable tangible items of personal property and other compensable damages, in an amount exceeding the jurisdictional limits of this Court and according to proof at trial;
2. For special damages, in an amount exceeding the jurisdictional limits of this Court and according to proof at trial;
3. For costs of suit incurred herein;
4. For interest as provided by law; and
5. For such other and further relief as the Court may deem just and proper.

Against Defendants Doe 1 through 100, and each of them:

6. For an award of exemplary damages, in an amount properly calculated to punish said Defendants Doe 1 through 100 for their despicable conduct, malice and conscious disregard for the safety of others, and to deter any such despicable conduct, malice and conscious disregard for the safety of others in the future.

DATED: May 30, 2013

CARPENTER, ZUCKERMAN & ROWLEY, LLP



Sark Ohanian
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff Laura Taylor, individually, hereby demands a jury trial in this action.

DATED: May 30, 2013

CARPENTER, ZUCKERMAN & ROWLEY, LLP



Sark Ohanian
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 8827 West Olympic Boulevard, Beverly Hills, California 90211.

On May 30, 2013, I served the attached document described as **FIRST AMENDED COMPLAINT FOR DAMAGES (1.) FRAUDULENT CONCEALMENT (2.) NEGLIGENCE (3.) STRICT PRODUCTS LIABILITY ; (4.) BREACH OF EXPRESS WARRANTY (5.) BREACH OF IMPLIED WARRANTY** on all interested parties in this action by the following method:

Levi Heath, Esq.
Devin Stone, Esq.
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Christopher T. Olsen, Esq.
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Attorneys for Defendants, BEST BUY

X **BY MAIL:** I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

☒ **FEDERAL** - I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

☒ **EXECUTED** on May 30, 2013, at Beverly Hills, California.



Robert Mendoza